

The BROAD AX

HEW TO THE LINE.

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ATTORNEY JOHN F. GEETING VERY PROFOUNDLY DIALATES ON THE EVILS OF THE SWEAT-BOX SYSTEM.

Rights of Prisoners Arrested Upon Charges of Crime.

By John F. Geeting.

The means used by the police in order to extort confessions and to procure evidence, in regard to the Bartholomew mystery, are not dissimilar to those which have been in use in this city for years. These methods, although in direct conflict with both the Common Law of England and the Constitution and the Statutes of Illinois, have been tolerated from the fact that in large cities the general public takes a very little interest in official irregularities affecting private individuals. Occasionally general indignation may be expressed and abuses denounced. But such efforts are only spasmodic and seldom have any lasting effect. The general indifference to the legal profession and of the public to matters of this class, have caused a manifest error to be accepted as precedent in procedure; the victim thereby induced to believe that it is the law that deals harshly with him.

THE LAW OF ARREST.

Generally speaking, the citizen should be free from arrest until an affidavit has been made before a magistrate setting forth facts constituting the supposed crime, as a basis for a warrant. In such cases the magistrate has no authority to issue the warrant, except the facts stated clearly show the commission of the crime. (Moore vs. Watts, 1 Ill. 18.) There are emergencies, however, in which the law permits the officer to make an arrest without a warrant, such as a breach of the peace committed in the presence of the officer, or where a felony has been committed, or a dangerous wounding likely to result in a felony and the officer has good grounds for believing a particular person to be guilty thereof. (Shanley vs. Wells, 61 Ill. 77.)

PROCEDURE AFTER ARREST.

In treating with the subject of arrest, Blackstone says: "where the delinquent is arrested by any of the means mentioned in the preceding chapter, he ought regularly to be carried before a Justice of the Peace." Sir Matthew Hale, in his Pleas of the Crown, lays down practically the same doctrine; and then says: "but if the time be unreasonable as in or near the night, whereby he cannot attend the justice, or if there be danger of a present rescue, or if the party be sick and not able at present to be brought, he may, as the case shall require, secure him in stocks, or in case the quality of the person or the indisposition so require, secure him in a house until the next day or such time as it may be reasonable to bring him."

Section 7, Division 6 of the Illinois Criminal Code, provides as follows:

"When an arrest is made without a warrant either by an officer or a private person, the person arrested shall, without unnecessary delay be taken before the nearest magistrate in the County, who will hear the case for examination, and the prisoner shall be examined and dealt with, as in cases of arrest upon warrants."

By Statute the magistrate is authorized for good cause shown to adjourn the examination, from time to time, as occasion may require, and if the case is not bailable, or if the defendant fails to give bail he may be committed to the County Jail.

We may here observe that not only the Common Law, but by the Statutes of this State, the officer is required to take the prisoner with the least practical delay before the magistrate, that the magistrate may hear the case, or for good cause shown continue the case until the same is ready for hearing. These are the functions of the magistrate and not of the officer, and the officer who attempts to hold the prisoner while the case is being prepared for hearing, usurps the functions of the magistrate and is liable not only to an action for damages, but to an indictment for false imprisonment.

A noted suit for false imprisonment is that of Wright vs. Court, decided in England in 1828, in which Mr. Justice Bayley said: "It is difficult to imag-

ine any circumstances under which these defendants could be justifiable in point of law, but at all events the circumstances set out on this record are wholly inadequate to furnish them with any justification. The plaintiff alleges that he was first imprisoned for three days, and the defendants by their first special plea admit that he was in prison for that space of time before he was taken to a magistrate for examination, and avers that it was a reasonable time for that purpose, and for the purpose of enabling Clark to collect and bring forward evidence in support of the charge of felony. In the first place it was a most unreasonable time for any purpose, and in the second place, the latter purpose was perfectly illegal. It is the duty of



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every person who arrests another on suspicion of felony to take him before a magistrate as soon as he reasonably can." Judges Harlow and Littledale concurred in the opinion, and judgment was given for the plaintiff.

The practice of the police of first holding a prisoner without booking him and then entering his name in a register book at the station is not recognized by law. The law directs what shall be done and any police regulation contrary thereto is absolutely void.

EXTORTING CONFESSIONS.

So numerous have been the instances of confession being extorted from innocent people, that it has become a fixed rule both in England and America that no confession shall be received unless it is voluntarily made and not the result of either hope or fear. As it is unsafe to base a judicial conclusion upon the evidence of a witness who manifestly is influenced by some motive, other than that, to simply narrate the truth, so the law regards it unsafe to receive against a prisoner statements made by himself, under either the influence of hope or fear; for in such case the evidence does not spring from a desire to simply make known the truth; and in fact is not such evidence as should guide the mind in determining so important an issue. Chief Justice Shaw of Massachusetts says that such confessions should not be received against the prisoner "because he may be induced by the presence of hope or fear to admit facts unfavorable to him, without regard to the truth, in order to obtain the promised relief, or avoid the threatened danger, and therefore admission so obtained have no just and legitimate tendency to prove the facts admitted."

The cases upon this subject are too numerous to be reviewed, but a few instances may be briefly referred to. A confession was rejected because it was obtained by the prosecutor saying to the prisoner that he only wanted his money; and if given that the prisoner might go to the devil. In another case the confession was held bad simply because the prisoner was told that what he would say, would be used for or against him; and in another case where the constable said "I'll be no for you to deny it for there is the man and boy who will swear

they saw you do it," the Court rejected the confession. In the case of Reg. vs. Gavin tried in England in 1885, Judge Smith said: "When a prisoner is in custody the police have no right to ask him questions. Reading a statement and then saying to him, 'What have you to say?' is cross-examining the prisoner, and therefore I shut it out. A prisoner's mouth is closed after he is once given in charge and he ought not to be asked anything."

In quite a late decision, Judge Cave of England in giving the opinion of a Court of five Judges said, "I always suspect such confessions, which are supposed to be the offspring of penitence and remorse, and which nevertheless are repudiated by the prisoner at the trial. It is remarkable that it is of very rare occurrence for evidence of confessions to be given when proof of the prisoner's guilt is otherwise clear and satisfactory; but when it is not clear and satisfactory, the prisoner is not infrequently alleged to have been seized with the desire, born of penitence and remorse, to supplement it with a confession, and this desire itself again vanishes as soon as he appears in a court of justice."

One of the most valuable opinions upon this subject was rendered by Mr. Justice White, of the Supreme Court of the United States December 13, 1897, in Brem vs. U. S., 168 U. S. 532, in which he devoted about thirty pages to a review of the subject of confessions, and granting a new trial because of a confession improperly received in evidence against the prisoner who was accused of committing murder upon the high seas.

To illustrate the danger in receiving such confessions, note the following from Roscoe's Criminal Evidence, page 28: "Three men were tried and convicted of the murder of a Mr. Harrison. One of them confessed himself guilty of the fact, under a promise of pardon; the confession, therefore, was not given in evidence against him; and a few years afterwards, it appeared that Mr. Harrison was alive."

THE TRUE LEGAL TENDER.

It is a wonder how these mighty Cathedrals scattered over Europe and kind constructed during the dark ages were built. They might have cost millions each. How did men find the means? Today we would issue bonds and run ourselves into debt and go on taxing future generations to pay the interest and thus get very inferior structures at a cost four times their worth. But old times used a common sense method. The rock and timber were all on hand and all the labor save that of a few skilled artisans. The church simply issued acceptances for the tithes owing by the communities around. Those acceptances were given to the laborers and contractors who exchanged them at such stores and depots for supplies to sublet them and ultimately the acceptances found their way back to the church treasury. If gold and silver, glass, nails, copper, etc., were needed the central power at Rome had money, such as it was, to procure and forward them on when needed. Thus in poor regions and in times when there was little commerce among nations and metals or commodity money was very scarce were these mighty edifices builded and no debt to speak of made.

This government, any state or revenue raising power, can build roads using no other means. For example: The United States government could build any number of transcontinental railroads, operate them, paying out their acceptances for all labor and material and receiving them back for transportation. By the time the roads were completed every dollar could be returned and not one penny of debt be left. Such acceptances are the only true money representatives, because they represent public credit in circulation and are legal tender of course. Commodity made legal tender by statute is a bastard or false kind of money. It can never be full legal tender because it has worn and wasted in value. It was this wearing away that gave the ex-

cuse for usury. "Return my coin just as you received it, or pay me for its loss of weight." But for this usury could not have existed. And when the lender became banker—he was allowed to keep his coin and lend his note or its substitute—later he lent several notes for his one on deposit, i. e., he kept his cake and used a dozen. And this was the origin of the great fortunes that have gone on increasing till now the one great fortune of one house has absorbed all the money of the world and enables that House to direct the policies of all Nations. The world is the money serf of that one House. The first nation that uses real money, as its own acceptance will lead the way to freedom.

HOLT.

JAILER J. L. WHITMAN AND THE BROAD AX.

A little bird has informed us to the effect that Jailer J. L. Whitman is urging one of the colored "Trustys" by the name of Trip to circulate a petition among the Afro-American prisoners denying the statement which appeared in The Broad Ax "That the Afro-American prisoners are robbed by shyster lawyers and bond thieves, that the rotten meat stinks that the prisoners are compelled to pay three cents for the two cent newspapers, that none of the white doctors who are employed around the jail have ever called any of the sick Col. prisoners black—s—s of b—s," that 'Bull Finley' and the other turnkeys never do any plugging for cheap Jack-leg white lawyers."

In view of Jailer Whitman's activity in this direction we are willing to give him one week longer to bolster up his side of the story, but at the expiration of that time if he is unable to whip the colored prisoners in line for him, then we will ask Jailer Whitman a few more questions concerning the "Color line in the Cook County Jail."

CHIPS.

Dr. Nicholas R. Engels, Democratic candidate for county commissioner, feels sure of his calling and election.

Mrs. Frances Phillips, a Negro washerwoman of Mabery, Mo., who died recently, left \$4,500, which she earned at the tub.

Ex-Congressman Murray, of South Carolina, colored, owns over 9,000 acres of land upon which over 200 colored renters live.

We wonder if Rev. Wm. Gray, who always can be seen tagging after Rev. Jasper Thomas, ever knew anything about Mrs. L. Pitts of St. Paul, Minn.

J. A. Scott lately severed his connection with The Appeal, and Mr. Scott says that The Broad Ax is one of the best newspapers in this country.

An Ohio woman has had her husband put in jail for cruelty, because she alleges that he only gives her liver to eat each day, while he lives like a king on roast beef. She did him right. Mean man.—Ex.

Mrs. M. L. Watkins, of Pullman, Mich., and her daughter and son, Miss Daisy and Master Wm. R. Watkins, are visiting with her mother, Mrs. Hudlun, 15 West 51st street, and Mrs. Hudlun is well pleased with her two bright grand-children.

G. Alexander McGuire, rector of St. Thomas's church, Philadelphia, which is the oldest colored Episcopal church in the United States, is a native of the West Indies and was educated in the colonial college. His church has 450 communicants, twelve guilds, a choir of forty voices and property worth \$100,000.—Ex.

Rev. Andy Carey, who dearly loves his eye-opener, and who is a warm friend of Little Whisky Bill Ward, and James Gambling Miller, is working the town for his dollar money, and Andy thinks if he can turn over to Bishop Grant one thousand or twelve hundred dollars that the Bishop will permit him to suck the big tit at Quinn Chapel for another year.

A. R. PORTER, THE NEXT CLERK OF THE APPELLATE COURT.

The Republican party of Cook County made no mistake when it nominated Mr. A. R. Porter for clerk of the Appellate court, for in every way he is fitted for that responsible position, and it is conceded by all the wise politicians that Edward M. Lahiff, who does not know how to treat decent colored people with respect, will not be in the running against Ex-Judge Porter, who is a broad-minded and polished gentleman.

For many years Mr. Porter has resided in Hyde Park, and in that part of this great city no one stands any higher in the estimation of his friends and neighbors than he does. For nine long years he eminently dispensed justice as Police Magistrate in the Hyde Park district and the discharge of his duties as such official was to the entire satisfaction of 3 mayors namely, Washburne, Harrison Sr., and Swift. Prior to becoming a police magistrate he was engaged in the dry goods business and was Assistant



MR. A. R. PORTER,
The Popular Nominee for Clerk of the Appellate Court.

Fire Marshall of the Hyde Park Fire Department, and was President of the Sixth Ward Republican Club for two terms.

At the present time Mr. Porter, who was born in this city April 6, 1860, is Chief Clerk of the Sanitary District and his exacting duties in that position more than qualifies him for the important post as Clerk of the Appellate Court. It is unnecessary to state that there are many Afro-Americans all over Chicago, who will gladly and cheerfully aid Mr. Porter in his candidacy for the position which he seeks, for he has always proven himself true to the race and he knows no man by the color of his skin.

Prof. Booker T. Washington's business league met at Richmond, Va., last week, and the following were elected officers of it: President B. T. Washington, Tuskegee, Ala.; R. H. Boyd, Nashville, Tenn.; W. O. Murphy, Atlanta, Ga.; Charles Banks, Clarksdale, Miss.; Vice-Presidents, Emmett J. Scott, Lackey for B. T. Washington, corresponding secretary, Edward E. Cooper, who beat The Broad Ax out of \$8.35; recording secretary, Gilbert C. Harris, Boston, Mass.; treasurer, S. Laing Williams, Chicago, Ill.; compiler, Peter J. Smith, Boston, Mass.; registrar, drunken T. Thomas Fortune, Chairman of the Executive committee. Old Whisky Fortune wasn't any nearer Richmond than Red Bank N. J. But Washington wants free puffing and for that reason he gave his tool Fortune the next biggest office to himself. No decent persons can or will take any stock in Prof. Washington's League as long as he permits swindling Ed Cooper and Bat Eyed Tom Fortune to have a voice in its affairs.

Monday was Labor Day all over the United States, and here in this city fifty thousand hardy laborers paraded the streets. Many Afro-Americans turned out and marched side by side with their white brothers. This is as it should be, for labor can never gain any concessions from the capitalist classes unless the whites and blacks who are compelled to toil for their daily bread unite under one head.

CHIPS.

Mr. Wm. Legner, who has served for two years as one of the Trustees of the Drainage Canal, would make an ideal City Treasurer of Chicago.

City Attorney John L. Owens never goes back on his true friends and they will work hard for his nomination for City Attorney next spring.

Hon. Thomas Smyth, the capable president of the Drainage Board, can have the support of many Democratic and Republican newspapers, for Mayor of Chicago in 1903.

If anyone wants to know how Slick Jim Crap-Shooting Miller, Little Whisky Bill Ward & Co. plucked the eyes out of Mr. W. D. Alexander while he was in trouble let them ask Mrs. Fannie Napier, 2947 Armour avenue.

C. T. Mason, 5001 Armour avenue, is a strong republican and a hard worker for his party. He holds down a job in the Jury Commissioners rooms, nevertheless Mr. Mason is a supporter of The Broad Ax.

Jacob Plenberg, wholesale and retail provision dealer, 31st and State street, will begin with the first of the week and add a first class stock of fancy and staple groceries to his establishment for the accommodation of his steadily increasing trade.

The Broad Ax would like to see honest Ernest Hummel slated to make the race for member of the Board of Review, and he would mop up the earth with Roy O. West, for John E. Treager and Mr. Hummel are the two strongest and most popular German-Americans in Cook county.

Col. Dan Moriarity returned to the city the latter part of last week from spending a delightful vacation at Manistee, Mich., where he joined in reviewing the military arm of that State. At the same time he had the honor of mounting and riding one of the fine horses which belong to Gov. Bliss.

Mrs. Mattie Johnson, 3125 Dearborn St., is one of the most successful Evangelists in this section of the country. Mrs. Johnson talks right out from the shoulder to those who go to hear her speak and she has been instrumental in causing many men and women to turn from their evil ways and live lives of usefulness.

State Chairman John P. Hopkins, D. J. Hogan, of Geneva, Illinois, W. L. Mounts, secretary of the State Committee John H. Baker, and Messrs. Pickering and Duddleston, candidates for Clerk of the Supreme Court and State Treasurer, are making a three weeks' tour of the state in the interest of the Democracy.

Jasper Thomas, Little Whisky Bill Ward, Abe Murray, Jim Crap Miller, Andy Carey, Old Hungry Barnett, and Co., are still snorting and they claim that they will land on The Broad Ax when the United States Grand Jury convenes, but in time all these old rounders may learn that the United States Grand Jury has no time to waste on shyster lawyers, whisky headed preachers and gamblers.

Madam N. Glenwood, 143 22nd St., the fashionable French dress maker, is exhibiting one of her most artistic gowns at the Middle States and Mississippi Valley Exposition. The material consists of white silk trimmed in lace. She also exhibits a parasol made by her own hands to match the rich costume which is attracting the attention of all the ladies and many of the men attending the exposition.

The colored A. M. E. preachers of Illinois, Indiana, Iowa, Wisconsin, and Minnesota are at the present time turning over heaven and hell for their dollar money, for they light out for conference at Oshkosh, Ia., shortly and it is estimated that sick and fat Bishop A. Grant will receive almost sixty-five thousand dollars as his dollar money this year. What a wonderful "graft" it beats being President of the United States. All of this vast sum comes out of the pockets of the poor laboring people. And what is it expended for, for their benefit? No, it is used simply to enrich the Bishops so they can live high, drink lots of wine and whisky and have a royal time with the women.